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| 10/023,698      | 12/21/2001  | Ilkka Rahnasto       | 367.39588X00        | 6934             |

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EXAMINER

BAYAT, BRADLEY B

| ART UNIT | PAPER NUMBER |
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3621

DATE MAILED: 02/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



**DETAILED ACTION*****Status of Claims***

Applicant's election without traverse of Group I in the reply filed on December 5, 2005 is acknowledged. As per the restriction requirement dated 11/3/2005, applicant has elected Group I, claims 33-38,41,46-50,52,54,56 and 57 without traverse and withdrawn Group II, claims 39, 40, 42-45, 51, 53 and 55. Thus claims 33-38,41,46-50,52,54,56 and 57 are pending and presented for examination.

***Response to Arguments***

Applicant's arguments filed 8/9/2005 are moot in view of applicant's cancellation of claims 1-32 and the following new ground(s) of rejection.

***Claim Objections***

Claim 46 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 46 is directed to a method "in accordance to claim 33," however; claim 33 is directed to a network device. Therefore, the method of claim 46 cannot depend on a claim directed to a network device.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

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international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 33-38,41,46-50,52,54,56 and 57 are rejected under 35 U.S.C. 102(e) as being anticipated by Ginter et al., US 2004/0133793 A1.**

As per the following claims, Ginter discloses:

33. A network device for connection in a communication path of a network comprising a controller operable to detect a predetermined tag within content passed along the communication path and to report the detection together with information identifying a sender and/or recipient of the content [0221-0222, 0287, 1721-1734].

34. A method of monitoring content transmitted by a network comprising detecting a predetermined tag within content transmitted through the network and reporting the detection together with information identifying a sender and/or recipient of the content with a network device [0221-0222, 0425-0487, 1721-1734].

35. A computer program product stored in a computer readable medium for carrying out the method according to claim 34 in a processor in the network which when executing causes the processor to perform the steps of: detecting a predetermined tag within the content by the network; and responding the detection together with information identifying at least one of a sender of the content and a recipient of the content [0221-0222, 0425-0487, 1721-1734].

36. A system for monitoring transmission of content between terminals in a network comprising a network device located in a communication path in the network and a monitoring center connected to the device wherein a controller is included in the device which is operable to detect a predetermined tag within content in the communication path and to report the detection of the predetermined [0221-0222, 0425-0487, 1721-1734].

37. A system as claimed in Claim 36, wherein the monitoring center is operable to receive reports from a plurality of networks each having at least one controller [1200, 2116, figure 25 and associated text].

38. A system as claimed in Claim 36, comprising a billing entity connected to the center [0229, 2203, 2116].

41. A system as claimed in Claim 34, wherein the information includes a network identity such that the center issues the request to a billing entity responsible for the identified network [0229, 2334].

46. A method of transmitting a message incorporating content including an embedded tag from a terminal connected to a network using a network device in accordance with claim 33 comprising, obtaining content, placing the content and tag into a payload portion of the message, and transmitting the message over the network including the device [0173].

47. A method as claimed in Claim 46, wherein the content is obtained by downloading from a server [1519, 1597].

48. A method as claimed in Claim 46, wherein the content is obtained from a data carrier uploading from a player of the data carrier [0159].

49. A method as claimed in Claim 46, wherein the message comprises at least one packet [0827-0856].

50. A method as claimed in claim 49, wherein the tag is embedded in the at least one packet [0173].

52. A computer program which performs the method of claim 34 stored in a computer readable medium comprising executable code for execution when loaded on a controller within the network, wherein the controller is operable in accordance with the code [1659, 1903-1984; fig 69 and associated text].

54. A computer program which performs the method of claim 46 stored in a computer readable medium comprising executable code for execution when loaded on a controller within the network, wherein the controller is operable in accordance with the code [1659, 1903-1984; fig 69 and associated text].

56. A method of generating a control message by a network device to be sent to a monitoring center connected to the device, the control message indicating passing of content having a predetermined tag embedded within the content through the network device, the control message comprising an identification of the content originating device, a destination address for the content, and a flag created by the network device [1200-1326].

57. A method as claimed in Claim 56, wherein the flag identifies the network device [1088-1102].

*Although the Examiner has pointed out particular references contained in the prior art(s) of record in the body of this action, the specified citations are merely representative of the teachings in the art as applied to the specific limitations within the individual claim. Since other passages and figures may apply to the claimed invention as well, it is respectfully requested that the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.*

#### **Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- US Patent 6,253,193 to Ginter et al.
- US Patent 5,982,891 to Ginter et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley B. Bayat whose telephone number is 571-272-6704. The examiner can normally be reached on Tuesday - Friday 8 a.m.-6:30 p.m. and by email: [bradley.bayat@uspto.gov](mailto:bradley.bayat@uspto.gov).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached regarding urgent matters at 571-272-6712.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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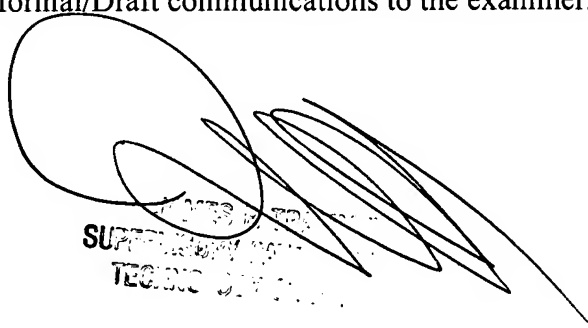
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Or faxed to:

**(571) 273-8300** - Official communications; including After Final responses.

**(571) 273-6704** - Informal/Draft communications to the examiner.

bbb



A handwritten signature in black ink is written over a rectangular official stamp. The stamp contains the text "COMMISSIONER OF PATENTS AND TRADEMARKS" and "WASHINGTON, D.C. 20231" in a bold, sans-serif font. The signature is a cursive-style name, possibly "John E. Fogarty", written in black ink.